

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ESAM DEAN ZALAWI

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Plaintiff,

v.

CIVIL ACTION NO.

MUSTAFA HATEM ELGHAZALI,
RICHARD HAMMON, SIRVA, INC.
NORTH AMERICAN VAN LINES, INC.
and A-1 FREEMAN MOVING
& STORAGE, L.L.C.

Defendants.

**DEFENDANTS' NOTICE OF REMOVAL
UNDER 28 U.S.C. §§ 1332 AND 1441(a) (DIVERSITY)**

Defendants, MUSTAFA HATEM ELGHAZALI, RICHARD HAMMON, SIRVA, INC., NORTH AMERICAN VAN LINES, INC., and A-1 FREEMAN MOVING & STORAGE, L.L.C., hereby petition this Court pursuant to 28 U.S.C. §§ 1332 and 1446 for removal, on the basis of diversity jurisdiction, to the United States District Court for the Western District of Texas, El Paso Division, of the action styled *Esam Dean Zalawi v. Mustafa Hatem Elghazali, Richard Hammon, Sirva, Inc., North American Van Lines, Inc., and A-1 Freeman Moving & Storage, L.L.C.*, Cause No. CV-04958-205, currently pending in the 205th Judicial District Court, of Hudspeth County, Texas and in support thereof would respectfully show this Court as follows:

Procedural Background

1. Plaintiff filed his Original Petition on October 18, 2019, in the matter styled *Esam Dean Zalawi v. Mustafa Hatem Elghazali, Richard Hammon, Sirva, Inc., North American Van*

Lines, Inc., and A-1 Freeman Moving & Storage, L.L.C., Cause No. CV-04958-205, currently pending in the 205th Judicial District Court, of Hudspeth County, Texas.

Nature of the Suit

2. This lawsuit involves a claim for personal injuries. Plaintiff alleges that Defendants were negligent.

Basis for Removal

3. Removal is proper under 28 U.S.C. § 1332, because there is complete diversity between the properly joined parties and the amount in controversy exceeds \$100,000.00 exclusive of interest and costs.

4. At the time Plaintiff filed his Original Petition, Defendant North American Van Lines, Inc. had its principle place of business and was incorporated in the State of Illinois.

5. At the time Plaintiff filed his Original Petition, Defendant Mustafa Hatem Elghazali was a resident of the State of Oklahoma.

6. At the time Plaintiff filed his Original Petition, Defendant Richard Hammon was a resident of the State of Oklahoma.

7. At the time Plaintiff filed his Original Petition, Defendant SIRVA, Inc. had its principle place of business and was incorporated in the State of Illinois.

8. At the time Plaintiff filed his Original Petition, Defendant A-1 Freeman Moving & Storage, L.L.C. had its principle place of business and was incorporated in the State of Indiana.

9. Upon information and belief, Plaintiff is a resident of Lubbock County, Texas.

10. The amount of controversy exceeds \$100,000.00 exclusive of interests and costs.

In Plaintiff's Original, Plaintiff seeks damages in an amount in excess of \$100,000.00.

The Removal is Procedurally Correct

11. Plaintiff filed his Original Petition on or about September 25, 2019. Defendants filed their Original Answer on November 26, 2019. Therefore, Defendants, file this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b) and within one year after commencement of the action.

12. Venue is proper in this district under 28 U.S.C. § 1443(a), because this district and division embrace the place in which the removal action has been pending.

13. All pleadings, process, orders, and all other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).

14. Pursuant to 28 U.S.C. § 1446(d), promptly after Defendants file this Notice, written notice of the filing of this Notice of Removal will be given to Plaintiff, the adverse party.

15. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the Clerk of the 205th Judicial District Court of Hudspeth County, Texas, promptly after Defendant files this Notice.

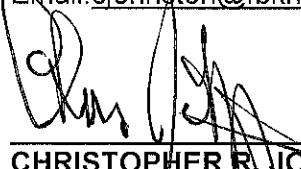
WHEREFORE, Defendants request that this action be removed from the 205th Judicial District Court of Hudspeth County, Texas to the United States District Court for Western District of Texas, El Paso Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

FIRTH♦BUNN♦KERR♦NEILL

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State Bar No. 10834200
COUNSEL for Defendant
NORTH AMERICAN VAN LINES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF FILING NOTICE OF REMOVAL has been served on the following by directing same to the following address through *Facsimile and/or First Class, United States mail, postage prepaid*, on this the 20 of December, 2019:

F. RYNE HUTCHESON

SBN: 24076096

MICHAEL J. GOMEZ

SBN:24112335

DAVIS W. SMITH

SBN: 00791681

DAVIS W. SMITH, P.C.

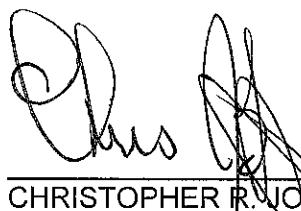
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